

REMARKS

Currently claims 1-20 are pending in the above-identified application. By this Amendment, no claims have been amended, cancelled or added. Applicants respectfully request that the Examiner reconsider the basis for rejecting the pending claims.

I. Claim Rejections – 35 U.S.C. § 102

The Examiner rejects claims 1-20 under 35 U.S.C. § 102(e) as allegedly being anticipated by European Patent Application No. EP 1 168 868 A1 to Avidor et al. (hereinafter “Avidor”). This rejection is respectfully traversed.

The Examiner respectfully asserts that Avidor anticipates Applicants’ claimed invention since the Examiner alleges that each and every element of Applicants’ claimed invention is at least taught or suggested by Avidor.

However, Applicants respectfully assert that Avidor fails to anticipate Applicants’ claimed invention for at least the basis that Avidor fails to teach or suggest as recited in independent claim 1,

A radio channel assignment method employing a multicarrier TDMA (time division multiple access) system, in which communication is performed using a specific carrier in each transmission/reception slot that is obtained through time division and of assigning a transmission/reception slot and a carrier, as a radio channel that satisfy desired quality of each mobile station, comprising: *inter alia*

...

deciding a slot to be assigned and candidates for a carrier to be assigned in the slot to be assigned based on the frequency management table...

Applicants respectfully assert that Avidor fails to at least teach the particular slot assignment indicative of a time division multiple access system as recited in for example, claim 1.

Instead, Avidor based upon the Examiner’s application of paragraph 50, is applied to assert that to assign channels by making use of the uplink and downlink priority lists as

developed by Avidor, teaches the claimed slots necessary for the TDMA system in Applicants' claimed invention.

However, the particular function of the TDMA as recited in Applicants' claimed invention is significantly different than the simple uplink and downlink priority basis by which Avidor apparently operates and as shown in Figure 4 and paragraph 50. That is to say that Avidor appears to primarily focus upon the assignment of a channel for communication as opposed to the more granular basis of a slot being assigned in Applicant's claimed invention. Accordingly, and with relationship to a time division multiple access method, the individualized slots are created through a TDMA structure that operates within a particular channel parameter to more granularly divide data transmission into frames and finally those frames into particularized slots. As such, Applicants respectfully assert that the Avidor reference is silent with regards to slots and/or particular individualized frames taken from a given data stream that may consist of cell based transmission. As such, Applicants respectfully assert that Avidor fails to at least anticipate Applicants' claimed invention based upon the above.

Applicants respectfully assert that independent claim 1 is not anticipated by Avidor. Since claims 2-20 depend directly or indirectly from independent claim 1, Applicants respectfully assert that dependent claims 2-20 are similarly patentably distinct since they depend directly from a patentably distinct independent claim, as well as for the additional recitations contained therein.

Accordingly, Applicants respectfully the withdrawal of the rejection of claims 1-20 under § 102(e) to Avidor.

II. Conclusion

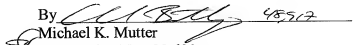
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 6, 2009

Respectfully submitted,

By  48,512
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants